

Hon. Jamal N. Whitehead

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JOSHUA A. DIEMERT, an individual,	)	
	)	Civil Action No. 2:22-cv-01640-JNW
Plaintiff,	)	
	)	
v.	)	<b>DECLARATION OF ERIN WILCOX</b>
	)	<b>IN SUPPORT OF OPPOSITION TO</b>
THE CITY OF SEATTLE, a municipal	)	<b>DEFENDANT'S MOTION TO</b>
corporation,	)	<b>EXCLUDE EXPERT TESTIMONY OF</b>
	)	<b>DR. EREC SMITH AND DEVON</b>
Defendant.	)	<b>WESTHILL</b>
	)	
	)	

I, Erin Wilcox, declare as follows:

1. I am an attorney at Pacific Legal Foundation and represent Plaintiff Joshua Diemert in the matter of *Joshua A. Diemert v. The City of Seattle*. I submit this Declaration in support of Plaintiff's Opposition to Defendant The City of Seattle's Motion to Exclude Expert Testimony of Dr. Erec Smith and Devon Westhill. As to the following facts, I know them to be true of my own knowledge and based on information and belief. If called as a witness, I would and could competently testify thereto.

2. Attached hereto as **Exhibit 1** is a true and correct copy of Plaintiff's Designation of Expert Rebuttal Witnesses pursuant to Federal Rule of Civil Procedure 26(a)(2).

1           3.       Attached hereto as **Exhibit 2** is a true and correct copy of Dr. Erec Smith's report  
2 and curriculum vitae accompanying Plaintiff's Designation of Expert Rebuttal Witnesses.

3           4.       Attached hereto as **Exhibit 3** is a true and correct copy of Devon Westhill's report  
4 and curriculum vitae accompanying Plaintiff's Designation of Expert Rebuttal Witnesses.

5           5.       Attached hereto as **Exhibit 4** is a true and correct copy of excerpts from the  
6 deposition of Plaintiff's disclosed rebuttal expert, Devon Westhill., taken on May 31, 2024.

7           I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true  
8 and correct.

9           DATED: Sept. 6, 2024.

10  
11                               s/ Erin E. Wilcox  
12                               ERIN E. WILCOX  
13                               California Bar # 337427 \*  
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20                               *Counsel for Plaintiff*  
21                               \* *Pro hac vice*